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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/089,126

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Brett Smith

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EXAMINER

SORKOWITZ, DANIEL M

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

06/03/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/089,126	SMITH ET AL.	
	Examiner	Art Unit	
	DANIEL SORKOWITZ	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21, 23, 24 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 16-19, 21, 23-24, and 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

This communication is in response to the RCE for application 10/089126 filed on 4/4/2011. Claims 2-4, 8, 13-15, 19-20, 22-26, 28, and 30 have been cancelled by Applicant. Claim 31 has been added by Applicant. Claims 1, 5-7, 9-12, 16-18, 21, 27, 29, and 31 have been examined.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/4/2011 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claim 18, this claim recites the limitation "the time spent viewing advertising". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-7, 9-12, 16-18, 21, 27, 29, and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,794,210 to

Goldhaber in view of US Patent Number 6,928,615 to Haitsuka et al. (hereinafter "Haitsuka").

Regarding claims 1 and 17, Goldhaber discloses a system and method comprising; a consumer station which receives electronic data or images (figure 4, 104, column 11, lines 11-24); an information provider which delivers said electronic data or images to said consumer station (figure 1, 106, column 9 lines 62-67), a host with which said consumer station communicates and interacts (figure 1, 106, column 9 lines 62-67), an advertising provider associated with said host and which delivers advertising to the host for viewing by the participant (figure 1, 106, column 9 lines 62-67); whereby advertisements are delivered randomly from the advertising provider via said host to said consumer station wherein, said participant, responsive to the random invitation from said host can selectively view said advertising; wherein, when said consumer elects to view advertising from said advertising provider via said host the consumer receives rewards commensurate with the length of time advertising is viewed (figure 3 #60, column 10 lines 39-58) and wherein, the participant at the consumer station views said advertising material without software being downloaded and installed into the participant station from the host (figure 11 #62-63, column 11 lines 11-24); wherein the consumer receives said advertising material by responding to a random invitation to the

consumer from the host (figure 3 #60, column 10 lines 39-58); Goldhaber further discloses a random invitation appearing as an icon at the consumer station (figure 11 #62-62, col. 7 lines 20-65, example given as Cybercoin), advertisements appearing at a predetermined location on a display at the consumer station (figure 11 #62-62, col. 7 lines 20-65, example given as click on Cybercoin to view advertisements at location), wherein the advertising selected for viewing by said participant is displayed independent of any data or images displayed on said screen, at said consumer station (figure 11 #63, col. 7 lines 20-65, example given as click on Cybercoin to view independent advertisements). Goldhaber does not appear to disclose viewer software enabling the consumer to view advertising, is browser driven such that said software is embedded into said viewer software viewer software that does not remain at the consumer station at the termination of viewing said advertisements, the system including a predetermined idleness criteria such that in the event the consumer station fails to respond to the random invitation within a predetermined period, the invitation will cancel itself and reappear randomly at a later time at the consumer station allowing the consumer another opportunity to elect whether to view advertising material while online. However, Haitsuka discloses viewer software enabling the consumer to view advertising, is browser driven such that said software is embedded into said viewer software viewer software that does not remain

at the consumer station at the termination of viewing said advertisements, (figure 1 160, column 5 lines 46-48, column 5 line 64 – column 6 line 8), the system including a predetermined idleness criteria such that in the event the consumer station fails to respond to the random invitation within a predetermined period, the invitation will cancel itself and reappear randomly at a later time at the consumer station allowing the consumer another opportunity to elect whether to view advertising material while online (figure 2, #110 and figure 3 #210, column 12 lines 7-10).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Goldhaber and Haitsuka so viewer software enabling the consumer to view advertising, is browser driven such that said software is embedded into said viewer software viewer software does not remain at the consumer station at the termination of viewing said advertisements, the system includes a predetermined idleness criteria such that in the event the consumer station fails to respond to the random invitation within a predetermined period, the invitation will cancel itself and reappear randomly at a later time at the consumer station allowing the consumer another opportunity to elect whether to view advertising material while online. Motivation to add “self canceling and reappearing” to Goldhaber is taught by Haitsuka, disclosing that this self canceling and reappearing process permits browsing by the user and displaying of advertisements by

the client application without interfering with the user's use of the browser application (column 12 lines 19-20). Haitsuka teaches that self canceling and reappearing process permits browsing by the user and displaying of advertisements by the client application without interfering with the user's use of the browser application (column 12 lines 19-20). The motivation to add the use of a web browser to Goldhaber is that web browsers have been the standard software for users to view web pages, since Netscape incited the web browser in 1996. The motivation for software not remain at the consumer station is given by Haitsuka is that application software need not be stored on the local device, as The important aspect is that the user, from the local device 100, can exercise control over what web pages are requested and thus displayed by the local device 100 (column 5 line 64 – column 6 line 8). Further, concerning the step of "in the event the consumer station fails to respond to the random invitation within a predetermined period, the invitation will cancel itself and reappear randomly at a later time at the consumer station allowing the consumer another opportunity to elect whether to view advertising material while online "; that limitation is optional, and according to the MPEP, "language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation" (MPEP 2106.II. C).

These claims recite a limitation that occurs (*the invitation will cancel itself and reappear randomly at a later time at the consumer station allowing the consumer another opportunity to elect whether to view advertising material while online. *) if a conditional statement is met (*in the event the consumer station fails to respond to the random invitation within a predetermined period,*). However, because of the conditional statement, the limitation is not required to occur. That is, should * in the event the consumer station fails to respond to the random invitation within a predetermined period,* never happen, the limitation of * the invitation will cancel itself and reappear randomly at a later time at the consumer station allowing the consumer another opportunity to elect whether to view advertising material while online. * will never happen. Therefore, this limitation is not required. Further, the claims are silent on what should occur if the conditional statement is not met, leaving this portion of the claim broad and open to interpretation. Therefore, should * the invitation will cancel itself and reappear randomly at a later time at the consumer station allowing the consumer another opportunity to elect whether to view advertising material while online. * not occur, Examiner interprets no change to the invention, which has been * rendered obvious * by * Goldhaber in view of Haituka * for the reasons above. According to MPEP 2106 II, language that suggests or makes optional but does not

require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

Regarding claim 5, Goldhaber does not explicitly teach a flashing icon.

However Haitsuka discloses a flashing icon (column 10 lines 10-15).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Goldhaber and Haitsuka to display a flashing icon. A flashing icon, like a flashing light on a police car, is well known in the art to signal urgency.

Regarding claim 6, Goldhaber discloses where participant station is a computer (figure 1 104, column 9 lines 35-38).

Regarding claim 7, Goldhaber discloses wherein said participant station is a personal computer. Goldhaber does not explicitly disclose wherein said participant station is a digital television receiver, web pad or Wireless Application Protocol phone. However Haitsuka discloses the local device 100 may also be, for example, an Internet appliance, network computer (NC), or an appropriately Internet-enabled device such as a portable digital assistant (PDA), mobile phone (figure 1 100, column 5 lines 9-13). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of

Goldhaber and Haitzuka to sent advertisements to a Wireless Application Protocol phone. Wap phones can display the same web browser applications as a PC; so many users have no other computer, only a WAP phone to display web applications.

Regarding claim 9, Goldhaber does not explicitly disclose banner ads. However, Haitzuka discloses advertising appears at said consumer station as a banner on said display (Figure 5 210, column 10. lines 11-15). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Goldhaber and Haitzuka so advertising appears at said consumer station as a banner on said display. Banner ads are well known in the art to attract attention.

Regarding claim 10, Goldhaber does not explicitly disclose banner ads. However, Haitzuka discloses advertising appears at said consumer station as a banner on said display and said icon appears at any location within a banner (Figure 5 210, column 10. lines 11-15). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Goldhaber and Haitzuka so advertising appears at said consumer station as a banner on said display. Banner ads are well known in the art to attract attention.

Regarding claim 11, Goldhaber does not explicitly disclose banner ads. However, Haitsuka discloses advertising appears at said consumer station as a banner on said display that is a movable banner (Figure 5 210, column10. lines 11-15). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Goldhaber and Haitsuka so advertising appears at said consumer station as a banner on said display. Banner ads are well known in the art to attract attention.

Regarding claim 12, Goldhaber does not explicitly disclose banner ads. However, Haitsuka discloses advertising appears at said consumer station as a banner on said display and an icon visible irrespective of its location within said banner and when received at said consumer station is enabled by an internet browser appearing in a banner (Figure5 210, column10. lines 11-15). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Goldhaber and Haitsuka so advertising appears at said consumer station as a banner on said display. Banner ads are well known in the art to attract internet browsing and clicking attention.

Regarding claim 16, Goldhaber discloses rewards comprising rebates to participants for the costs of internet time commensurate with the time spent viewing advertising (figure 3 #60, column 10 lines 39-58).

Regarding claim 18, Goldhaber discloses a participant station is connected to the internet and wherein said invitation is random on the screen of the participant computer (figure 11 #62-63), wherein the participant is able to view advertising simultaneously with online information, thereby allowing the participant to gain rewards and benefits based on the time spent viewing advertising (figure 11 #62-63).

Goldhaber does not appear to disclose a predetermined idleness criteria such that in the event the participant computer fails to respond to the random invitation within a predetermined period, the invitation will terminate and reappear randomly at a later time on the participant computer thereby allowing the participant repeated opportunity to elect whether to receive advertising material for reward while on line. However, Haitsuka a predetermined idleness criteria such that in the event the participant computer fails to respond to the random invitation within a predetermined period, the invitation will terminate and reappear randomly at a later time on the participant computer thereby allowing the participant repeated opportunity to elect whether to receive advertising material for reward while on line (figure 2, #110 and figure 3 #210, column 12 lines 7-

10). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Goldhaber and Haitsuka so a predetermined idleness criteria such that in the event the participant computer fails to respond to the random invitation within a predetermined period, the invitation will terminate and reappear randomly at a later time on the participant computer thereby allowing the participant repeated opportunity to elect whether to receive advertising material for reward while on line. Haitsuka teaches that self canceling and reappearing process permits browsing by the user and displaying of advertisements by the client application without interfering with the user's use of the browser application (column12 lines 19-20).

Regarding claim 21, Goldhaber discloses an advertising provider in communication with said participant computer while the participant is obtaining data or information from an information provider, wherein the advertising provider communicates with said participant computer via the advertising provider's web site (figure 1, #106, column 9 lines 62-67) upon election by said participant responsive to an invitation from said advertising provider; wherein, without requiring software downloaded to the participant computer, the participant views said advertising material by responding to a random invitation from the advertising provider appearing on the participant computer (figure 11 and 11a, col. 9 lines 20-65, referred

to as software agent); in the event the participant computer fails to respond to the invitation within a predetermined period the participant will not receive advertising rewards for viewing said advertising, whereupon the invitation will reappear randomly at a later time on the participant's computer display allowing the participant repeated opportunity to elect whether to receive advertising material while on line (fig 3 60, column 10 lines 39-58), wherein upon acceptance by the consumer of advertising by signaling the advertising provider, advertisements will be sent to the consumer's computer for a predetermined random period following which the advertisements will be suspended until reactivated by the consumer by signaling the advertising provider; the process thereby allowing the participant to view advertising simultaneously with Internet information, thereby allowing the participant to receive rewards to offset the cost of Internet time commensurate with the extent of exposure by the participant to advertising messages; and the process operable without the need for the consumer to download specific software, and registering with the advertising provider by forwarding to the provider the participant's identifying information (figure 11 and 11a, col. 9 lines 20-65, referred to as software agent). Goldhaber does not explicitly disclose said invitation appearing as a flashing icon on a display of the participant computer and including predetermined idleness criteria. However Haitzuka discloses a flashing icon (column 10 lines 10-15), and a predetermined idleness

criteria such that in the event the participant station fails to respond to the random invitation within a predetermined period, the invitation will cancel itself and reappear at a later time at the participant station allowing the participant repeated opportunity to elect whether to receive advertising material while on line (figure 2, #110, column 12 lines 7-10). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Goldhaber and Haitzuka to have an invitation appearing as a flashing icon on a display of the participant computer and including predetermined idleness criteria. Predetermined idleness criteria such that in the event the participant station fails to respond to the random invitation within a predetermined period, the invitation will cancel itself and reappear at a later time at the participant station allowing the participant repeated opportunity to elect whether to receive advertising material while on line. A flashing icon, like a flashing light on a police car, is well known to signal urgency, and Haitzuka teaches that self canceling and reappearing process permits browsing by the user and displaying of advertisements by the client application without interfering with the user's use of the browser application (column 12 lines 19-20). Further, concerning the step of "in the event the participant computer fails to respond to the invitation within a predetermined period, the participant will not receive advertising nor rewards for viewing said advertising, whereupon the invitation will reappear randomly at a later time

on the participant's computer display allowing the participant repeated opportunity to elect whether to receive advertising material while on line “; that limitation is optional, and according to the MPEP, “language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation” (MPEP 2106.II. C).

These claims recite a limitation that occurs (*the participant will not receive advertising nor rewards for viewing said advertising, whereupon the invitation will reappear randomly at a later time on the participant's computer display allowing the participant repeated opportunity to elect whether to receive advertising material while on line*) if a conditional statement is met (*in the event the consumer station fails to respond to the random invitation within a predetermined period,*). However, because of the conditional statement, the limitation is not required to occur. That is, should * in the event the consumer station fails to respond to the random invitation within a predetermined period,* never happen, the limitation of * the participant will not receive advertising nor rewards for viewing said advertising, whereupon the invitation will reappear randomly at a later time on the participant's computer display allowing the participant repeated opportunity to elect whether to receive advertising material while on line. * will never happen. Therefore, this limitation is not required. Further, the claims are silent on what should occur if the conditional statement is not

met, leaving this portion of the claim broad and open to interpretation.

Therefore, should * the participant will not receive advertising nor rewards for viewing said advertising, whereupon the invitation will reappear randomly at a later time on the participant's computer display allowing the participant repeated opportunity to elect whether to receive advertising material while on line * not occur, Examiner interprets no change to the invention, which has been * rendered obvious * by * Goldhaber in view of Haitzuka * for the reasons above. According to MPEP 2106 II, language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

Regarding claim 27, Goldhaber discloses a) connecting a participant computer to an information provider via the Internet; b) establishing a link to a web page of an information provider host; c) sending particulars of the participant computer such as the computer's Email address to the host to establish a link between the participant computer and the advertising provider Figure 1, 4, 7, and 10); receiving at the participant computer from said advertising provider a randomly displayed invitation to receive advertising material via said host while the consumer is receiving information from the information provider (figure 11 #62-63, col. 7 lines 25-65, example given as Cybercoin); e) allowing said random invitation to

display on the participant computer for a predetermined length of time (figure 11 #62-63, col. 7 lines 25-65, example given as Cybercoin).

Goldhaber further discloses display advertising targeted to a predetermined parameter selected from participant profile information, such as post code or Email address (col. 13 lines 5-40), when the participant accepts the random invitation from the host to receive advertisements from the advertising provider, the participant will receive on the participant's computer display an advertisement (figure 11 #62-63),

the participant will during the period of viewing of advertisements receive rewards commensurate with the amount of time spent by the participant viewing advertising provided by the advertising provider (figure 3 #60, column 10 lines 39-58), and , wherein the advertisements are viewable by the participant without the need to download enabling software to the operating system of the participant's computer (figure 11 and 11a, col. 9 lines 20-65, referred to as software agent). Goldhaber does not appear to disclose when the invitation is ignored by the participant, the invitation will remain as a randomly flashing icon and will reappear again at a random time allowing the participant subsequent opportunities to accept the invitation to receive advertising, and when the participant accepts the random invitation from the host to receive advertisements from the advertising provider, whereupon after a predetermined period of time supplying advertising, the advertising

provider will cease provision of advertisements and will reactivate the invitation to the participant to request supply of the advertisements, and banner advertisements. However, Haitsuka discloses when the invitation is ignored by the participant, the invitation will remain as a randomly flashing icon and will reappear again at a random time allowing the participant subsequent opportunities to accept the invitation to receive advertising (figure 1 #100, figure 2, #110, and figure 3 #210, column 5 lines 9-13, column 10 lines 10-15, and column 12 lines 7-10), advertising appears at said consumer station as a banner on said display (Figure 5 210, column 10. lines 11-15), and whereupon after a predetermined period of time supplying advertising, the advertising provider will cease provision of advertisements and will reactivate the invitation to the participant to request supply of the advertisements (fig 3 60, column 10 lines 39-58). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Goldhaber and Haitsuka so when the invitation is ignored by the participant, the invitation will remain as a randomly flashing icon and will reappear again at a random time allowing the participant subsequent opportunities to accept the invitation to receive advertising ii) when the participant accepts the random invitation from the host to receive advertisements from the advertising provider, the participant will receive on the participant's computer display an advertising banner, whereupon

after a predetermined period of time supplying advertising, the advertising provider will cease provision of advertisements and will reactivate the invitation to the participant to request supply of the advertisements. A flashing icon, and banner advertisements are well known in the art to attract attention. Haitsuka teaches that self canceling and reappearing process permits browsing by the user and displaying of advertisements by the client application without interfering with the user's use of the browser application (column 12 lines 19-20).

Regarding claim 29, Goldhaber discloses wherein the invitation to the participant appearing on the participant computer to receive advertising from the advertising provider is a icon which the participant clicks which signals to the advertising provider whereupon, the advertising provider matches with the particular participant's particulars, whereupon the advertising provider supplies advertising to the participant computer until the participant cancels the advertising (figure 11 #62, col 7. lines 20-65 and col. 13 lines 5-40). Goldhaber does not explicitly teach a flashing icon. However Haitsuka discloses a flashing icon (column 10 lines 10-15). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Goldhaber and Haitsuka to display a flashing icon. A flashing icon, like a flashing light on a police car, is well known in the art to signal urgency.

Regarding claim 31, Goldhaber discloses wherein said reward is a credit (figure 3 #60, column 10 lines 39-58).

Response to Remarks

This rejection has been amended to reflect the changes to the claim language. and addresses any arguments submitted by the applicant. Therefore, the Examiner maintains the rejection to the Applicant's claims.

Applicant argues regarding claim 1 that “ none of the revised claims taken in combination are obvious to one of ordinary skill in the art at the time of the invention. It is not obvious to combine the teachings of Goldhaber and Haitsuka to arrive at the combination of new independent claims. Neither citations discloses the advantage of a system which does not require software to be downloaded in addition to the idleness criteria such that in the event the consumer station fails to respond to the random invitation within a predetermined period, the invitation will cancel itself and reappear at a later time at the consumer station. The Examiner disagrees, and gives motivation to combine Haitsuka with Goldhaber: Motivation to add “self canceling and reappearing” to Goldhaber is taught by Haitsuka, disclosing that this self canceling and reappearing process permits

browsing by the user and displaying of advertisements by the client application without interfering with the user's use of the browser application (column12 lines 19-20). Haitsuka teaches that self canceling and reappearing process permits browsing by the user and displaying of advertisements by the client application without interfering with the user's use of the browser application (column12 lines 19-20) as the motivation to add the use of a web browser to Goldhaber is that web browsers have been the standard software for users to view web pages, since Netscape incented the web browser in 1996. The motivation for software not remain at the consumer station is given by Haitsuka is that application software need not be stored on the local device, as The important aspect is that the user, from the local device 100, can exercise control over what web pages are requested and thus displayed by the local device 100 (column 5 line 64 – column 6 line 8). Both Haitsuka and Goldhaber are directed to providing targeting advertisements. Therefore, the Examiner respectfully finds the Applicant's argument unpersuasive.

Applicant argues regarding claim 1 that “ In the Applicant's invention, unlike in Haitsuka, the user is not required to download viewing software and may view advertising while browsing without interruption to browsing. The Examiner disagrees. The cited section of Goldhaber is believed to teach this element, disclosing a software agent to perform all functions for

the user, so the user does not need to perform downloading. Figure 11 shows an advertisement viewable without interruption to browsing. Therefore, the Examiner respectfully finds the Applicant's argument unpersuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Daniel Sorkowitz whose telephone number is (571) 270-5206.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit: 3622

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/Daniel Sorkowitz/
Examiner, Art Unit 3622